

Appl. No. 10/664,373
Atty. Docket No. 7792C
Amdt. dated March 17, 2006
Reply to Office Action of November 17, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1 and 2 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to more specifically characterize the first image element and the second image element. Support for this amendment can be found in the specification, for example, at Figures 8, 8A, and 9.

Claim 3 has been cancelled without prejudice.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §112, First Paragraph

The Office Action has rejected claims 1-3 under 35 U.S.C. § 112, first paragraph, as being non-enabling for a side panel completing a predetermined visual image and completing the telling of a storyline. Applicants have amended claim 1 and therefore respectfully request the withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Rejection Under 35 USC §102 Over Pozniak et al.

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,045,543 issued to Pozniak et al., hereafter, "Pozniak". Applicants respectfully traverse the rejection by the Office.

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 recites, in part, that a predetermined ornamental visual image consists of a first image element and a second image element. In contrast, Pozniak, teaches a visual image which includes first indicia and second indicia. (col. 3, lines 8-9). Pozniak further

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teaches that “the parallel lines in the first and second indicia on the front portion and on both tabs... guide a user to bring the lines in the first and second indicia into alignment.” (col. 3, lines 11-14). However, Pozniak is silent regarding the completion of a predetermined ornamental image from a first image element and a second image element. Accordingly, Pozniak does not teach or suggest all of the claim elements of claim 1. Therefore, Applicants assert that Pozniak does not anticipate claim 1.

Because claim 2 depends from claim 1, Applicants assert that claim 2 is not anticipated by Pozniak. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102(b) of claim 1 and 2.

Rejection Under 35 USC §102 Over Weber et al.

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,352,528 issued to Weber et al., hereafter, “Weber”. Applicants respectfully traverse the rejection by the Office.

As stated previously, Claim 1 recites, in part, that “wherein the predetermined ornamental visual image is visible when the side panels are secured to the first waist region.” In contrast, Weber teaches a disposable and refastenable pant including hidden graphics. (Abstract). Weber further teaches that the hidden graphics become visible when the fasteners are disengaged from one another. (Abstract). For example, Weber teaches in Figure 9, that the securing elements may comprise graphics which are not visible when fastened together. Accordingly, Weber does not teach or suggest a predetermined ornamental visual image which is visible when the side panels are secured to the first waist region. Therefore, Applicants assert that Weber does not anticipate amended claim 1.

Because claim 2 depends from claim 1, Applicants assert that claim 2 is similarly not anticipated by Weber. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102(b) of claim 1 and 2.

Conclusion

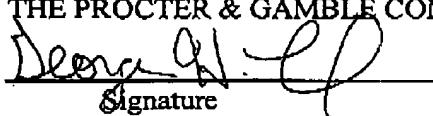
Appl. No. 10/664,373
Atty. Docket No. 7792C
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In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, first paragraph and § 102(b). Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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By



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